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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,280	09/25/2001	Mitsuo Yasushi	Q66369	5293

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EXAMINER

WANG, LIANG CHE A

ART UNIT PAPER NUMBER

2155

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/961,280

Applicant(s)

YASUSHI ET AL.

Examiner

Liang-che Alex Wang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/04/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-5 have been examined

Paper Submitted

2. It is hereby acknowledged that the following papers have been received and placed of record in the file:
 - a. **Information Disclosure Statements** as received on 12/04/2003 is considered.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. All dependent claims are rejected to as having the same deficiencies as the claims they depend from.
6. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 3 is narrative and indefinite, failing to conform with current U.S.

practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Gernert et al., hereinafter Gernert.
9. Referring to claim 1, Gernert has taught a data communication system (figure 6) comprising a server (host computer 130) having a first storage device in which a database is formed (host database 136), and a mobile communication device (item 120) for connecting to said server (item 130) through a network line (item 128), wherein: said mobile communication device (item 120) includes:

- a. a second storage device (item 124) for storing a plurality of data signals each having different data types related to a mobile unit (Col 7 lines 25-27, 61-65, Col 2 lines 50-65, data collected at mobile computer terminal are having different data types related to mobile unit);
 - b. update condition holding means for previously holding an update condition for each of the data types (Col 1 lines 13-17);
 - c. transmitting means for transmitting each of the data signals stored in said second storage device at a timing corresponding (Col 7 line 64 – Col 7 line 1) to an update condition held in said update condition holding means for each of the data types (Col 8 lines 5-10); and
 - d. said server includes means for receiving a data signal transmitted from said transmitting means through said network line and for writing the received data signal into said first storage device to update the database (Col 7 lines 16-18, Col 8 lines 5-10).
10. Referring to claim 2, Gernert has further taught wherein said update condition holding means holds an update cycle for each of the data types as the update condition (Col 8 lines 5-10).
11. Referring to claim 4, Gernert has taught a database updating method for updating a database (figure 6, item 136) in a data communication system (figure 6) which includes a server (item 130) having a first storage device in which a database is formed (item 136), and a mobile communication device (item 120) for connecting to said server (item 130) through a network line (item 128), said method comprising the steps of:

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- a. storing a plurality of data signals each having different data types related to a mobile unit (Col 7 lines 25-27, 61-65, Col 2 lines 50-65, data collected at mobile computer terminal are having different data types related to mobile unit) in a second storage device (item 124) provided in said mobile communication device (item 120);
- b. previously holding an update condition for each of the data types (Col 1 lines 13-17);
- c. transmitting each of the data signals stored in said second storage device at a timing corresponding (Col 7 line 64 – Col 7 line 1) to an update condition held for each of the data types (Col 8 lines 5-10); and
- d. receiving a data signal transmitted from said transmitting means through said network line and for writing the received data signal into said first storage device to update the database (Col 7 lines 16-18, Col 8 lines 5-10).

12. Referring to claim 5, Gernert has taught a mobile communication device (item 120, figure 6) for connecting to a server (item 130) having a first storage device in which a database id formed (item 136), through a network line (item 128), comprising:

- a. a second storage device (item 124) for storing a plurality of data signals each having different data types related to a mobile unit (Col 7 lines 25-27, 61-65, Col 2 lines 50-65, data collected at mobile computer terminal are having different data types related to mobile unit);
- b. update condition holding means for previously holding an update condition for each of the data types (Col 1 lines 13-17);

- c. transmitting means for transmitting each of the data signals stored in said second storage device at a timing corresponding (Col 7 line 64 – Col 7 line 1) to an update condition held in said update condition holding means for each of the data types (Col 8 lines 5-10).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on (571)272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang *lw*
November 16, 2004

Hosain Alam
HOSAIN ALAM
SUPERVISORY PATENT EXAMINER